

In Re: **Aijul Laskar @ Jamadar**

...Petitioner

Ms. Anusuya Sinha, Ld APP
Ms. Sreetana Das.

.... For the State.

1. The learned Advocate representing the State has submitted a communication made with her by the Superintendent, Baruipur Central Correctional Home, intimating that the appellant has suffered sentence and released from Alipur Central Correctional Home on 27th October, 2014 and his sentence period included UT Set off and remission and also paid fine amount which was imposed by the learned Court. Let the said document kept with the record.
2. None appears on behalf of the appellant.
3. The instant appeal was filed against the judgment of conviction and order of sentence dated 2nd March, 2009 passed by the learned Additional District and Sessions Judge, FTC X, Alipore, South 24 Paraganas, in sessions trial No.8(02)/2008, convicting the appellant for commission of the offences punishable under Section 376 of the Indian Penal Code and sentenced him to suffer rigorous imprisonment for 7 years and to pay fine of Rs.3000/-.
4. The prosecution case in brief was that a love affairs was developed between the complainant and the accused and accordingly involved in physical relationship with the assurance of marriage and as a result the complainant became

pregnant and when she was at her advance stage of pregnancy the accused refused to marry her.

5. In order to prove the case, nine witnesses were examined including the doctor (PW 7) who examined the complainant and supported the prosecution case to the effect that the complainant was aged about 14-15 years at the time of the incident. No evidence could be produced that the complainant was aged about 20-21 years as the plea taken on behalf of the petitioner.
6. The evidence, prima facie, supported the case of the prosecution that there was a romantic relationship between the parties and there was promised to marry, as a result, the physical relation was developed with such assurance by the victim.
7. The learned Trial Judge considering the evidences adduced by the prosecution witnesses and the statement recorded by the victim girl and considering the medical report and further considering that the appellant during his examination under Section 313 Cr.P.C kept himself mum over the issue of complaint lodged, arrived at a conclusion that the victim being a minor girl was assured of marriage and accordingly she indulged herself into the physical relationship when the appellant was the major and ultimately refused to marry with her when found in an advance stage of pregnancy.
8. On careful perusal of the materials on the record, this Court also do not find in any contradictory materials and also that the appellant has suffered the entire sentence and hence there

remain for further adjudication of this matter. Accordingly, this Criminal Appeal (CRA 399 of 2009) is hereby dismissed.

9. The department is directed to forward the T.C.R along with this order to the concerned Court for information and taking necessary action.
10. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.
11. Urgent certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Chaitali Chatterjee (Das), J.)